IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 18656 of 2007(U)

PETITIONERS:
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1. RAMAKRISHNAN, S/O.KOCHUKUTTAN, AGED 52 YEARS, AIKKARAMATTOM HOUSE, KOTHAMANGALAM, KARINGAZHA KARA.

2. LEELAMMA CHANDY, W/O.K.C.JOSEPH, AGED 49 YEARS, KURISHUMMOOTTIL HOUSE, NELLIMATTOM P.O., NELLIMATTOM KARA, KOTHAMANGALAM.

3. K.C.JOSEPH, S/O.CHANDY, AGED 57 YEARS, KURISHUMMOOTTIL HOUSE, NELLIMATTOM P.O., KOTHAMANGALAM.

BY ADV. SRI.PAUL K.VARGHESE

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY SUPERINTENDENT OF POLICE, MUVATTUPUZHA.

3. THE CIRCLE INSPECTOR OF POLICE, KOTHAMANGALAM.

4. THE SUB INSPECTOR OF POLICE, KOTHAMANGALAM.

5. SAJU MATHEW, S/O.MATHEW, VELIYAPARAMBIL HOUSE, MALIPARA P.O., KOTHAMANGALAM, NOW ACTING AS THE PRESIDENT OF PINDIMANA GRAMA PANCHAYATH.

R1 to R4 BY GOVT.PLEADER SRI P.A.SALIM
R5- BY ADV. SRI.P.SANTHALINGAM
SRI.S.SHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).NO.18656/2007

APPENDIX

PETITIONERS' EXTS:

EXT.P1 TRUE COPY OF THE LICENCE FEE RECEIPT DATED 3/3/2007 FOR THE PERIOD 2007-08 ISSUED BY THE PINDIMANA GRAMA PANCHAYAT IN FAVOUR OF THE IST RESPONDENT.

EXT.P2 TRUE COPY OF THE LICENCE ISSUED BY THE RUBBER BOARD, ERNAKULAM DATED 19/2/2004 FOR THE PERIOD 1/4/2006 TO 31/3/2011.

EXT.P3 TRUE COPY OF THE RECENT LICENCE FEE RECEIPT FOR THE PERIOD 2007-08 ISSUED BY THE PINDIMANA GRAMA PANCHAYAT.

EXT.P4 TRUE COPY OF THE LICENCE NO.33/2007-08 DATED 23/4/2007 FOR THE PERIOD UPTO 31/3/2008 ISSUED BY THE PINDIMANA GRAMA PANCHAYAT.

EXT.P5 TRUE COPY OF THE CERTIFICATE OF REGISTRATION DATED 25/5/2007 ISSUED BY THE SALES TAX AUTHORITY IN FAVOUR OF THE 2ND PETITIONER.

EXT.P6 TRUE COPY OF THE RECENT RENT DEED EXECUTED BY THE IST PETITIONER IN FAVOUR OF SRI JOHN ABRAHAM DATED 29/1/2005.

EXT.P7 TRUE COPY OF THE RECENT RENT DEED DATED 1/4/2007 EXECUTED BY THE 2ND PETITIONER IN FAVOUR OF LANDLORD SRI JOHN ABRAHAM.

EXT.P8 TRUE COPY OF W.P.(C).NO.16935/07 DATED 4/6/2007 FILED BY SRI JOHN ABRAHAM.

EXT.P9 TRUE COPY OF THE INTERIM ORDER IN W.P.(C). NO.16935/2007 DATED 4/6/2007.

EXT.P10 TRUE COPY OF THE COMPLAINT DATED 6/6/2007 FILED BY IST AND 3RD PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P11 TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT DATED 6/6/2007.

P.R. RAMAN & K. HEMA, JJ.

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W.P.(C) NO. 18656 OF 2007

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DATED THIS, THE 26TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

We had already passed an interim order directing the 4th respondent not to harass the petitioners or to cause any obstruction to them in the matter of conducting business in the tenanted premises so long as the stay order Ext.P9 passed by this Court in W.P.(C) 16935/2007 is in force. Today, it is submitted that the said writ petition has been disposed of quashing the notice Ext.P8 therein and directing the Panchayat to take proceedings in accordance with law.

2. In such circumstances, there is no order against the petitioner as of now. Therefore, the interim order will continue and it is made absolute. However, we make it clear that this will not interdict the Panchayat from taking such steps as is in accordance with law.

The writ petition is closed.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-